APPENDIX

Section 553 of Title 5 of the United States Code, 80 Stat. 383, 384, provides in pertinent part:

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> (c) After notice required by this section, the agency shall give interested persons an opportunity to participate in the rule making through submission of written data, views, or arguments with or without opportunity for oral presentation. After consideration of the relevant matter presented, the agency shall incorporate in the rules adopted a concise general statement of their basis and purpose. When rules are required by statute to be made on the record after opportunity for an agency hearing, sections 556 and 557 of this title apply instead of this subsection.

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The Rules and Regulations of the Federal Communications Commission provide in pertinent part:

> 47 C.F.R. Section 95.91 **Duration of transmissions.**
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> (a) All communications or signals, regardless of their nature, shall be restricted to the minimum practicable transmission time. The radiation of energy shall be limited to transmissions modulated or keyed for actual permissible communications, tests, or control signals. Continuous or uninterrupted transmission from a single station or between a number of communicating stations is prohibited, except for communications involving the immediate safety of life or property.

(b) Communications between or among Class D stations shall not exceed 5 consecutive minutes. At the conclusion of this 5-minute period, or upon termination of the exchange if less than 5 minutes, the station transmitting and the stations participating in the exchange shall remain silent for a period of at least 5 minutes and monitor the frequency or frequencies involved before any further transmissions are made. However, for the limited purpose of acknowledging receipt of a call, such a station or stations may answer a calling station and request that it stand by for the duration of the silent period. The time limitations contained in this paragraph may not be avoided by changing the operating frequency of the station and shall apply to all the transmissions of an operator who, under other provisions of this part, may operate a unit of more than one citizens radio station.

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47 C.F.R. Section 95.83(a) **Prohibited uses.**

(a) A Citizens radio station shall not be used:

(1) For engaging in radio communications as a hobby or diversion, i.e., operating the radio station as an activity in and of itself.

[Note omitted.]

(2) For any purpose, or in connection with any activity, which is contrary to Federal, State, or local law.

(3) For the transmission of communications containing obscene, indecent, or profane words, language, or meaning.

(4) To carry communications for hire, whether the remuneration or benefit received is direct or indirect.

(5) To communicate with stations authorized or operated under the provisions of other parts of this chapter, with unlicensed stations, or with U.S. Government or foreign stations, except for communications pursuant to §§ 95.85(b) and 95.121 * * *.

(6) For any communication not directed to specific stations or persons, except for: (i) Emergency and civil defense communications as provided in §§ 95.85(b) and 95.121, respectively, (ii) test transmissions pursuant to § 95.93, and (iii) communications from a mobile unit to other units or stations for the sole purpose of requesting routing, directions, assistance to disabled vehicles or vessels, information concerning the availability of food or lodging, or any other assistance necessary to a licensee in transit.

(7) To convey program material for retransmission, live or delayed, on a broadcast facility. [Note omitted.]

(8) To interfere maliciously with the communications of another station.

(9) For the direct transmission of any material to the public through public address system or similar means.

(10) To transmit superfluous communications, i.e., any transmissions which are not necessary to communications which are permissible.

(11) For the transmission of music, whistling, sound effects, or any material for amusement or entertainment purposes, or solely to attract attention.

(12) To transmit the word "MAYDAY" or other international distress signals, except when a ship, aircraft, or other vehicle is threatened by grave and imminent danger and requests immediate assistance.

(13) For transmitting communications to stations of other licensees which relate to the technical performance, capabilities, or testing of any transmitter or other radio equipment, including transmissions concerning the signal strength or frequency stability of a transmitter, except as necessary to establish or maintain the specific communication.

(14) For relaying messages or transmitting communications for a person other than the licensee or members of his immediate family, except: (i) Communications transmitted pursuant to §§ 95.85(b), 95.87(b)(7), and 95.121; and, (ii) upon specific prior Commission approval, communications between citizens radio stations at fixed locations where public telephone service is not provided.

(15) For advertising or soliciting the sale of any goods or services.

(16) For transmitting messages in other than plain language. Abbreviations, including nationally or internationally recognized operating signals, may be used only if a list of all such abbreviations and their meaning is kept in the station records and made available to any Commission representative on demand.

(b) A Class D station may not be used to communicate with, or attempt to communicate with, any unit of the same or another station over a distance of more than 150 miles.

(c) A licensee of a Citizens radio station who is engaged in the business of selling Citizens radio transmitting equipment shall not allow a customer to operate under his station license. In addition, all communications by the licensee for the purpose of demonstrating such equipment shall consist only of brief messages addressed to other units of the same station.

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